

APR 29 2009

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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

BERRY KIEL MASELLE,

Petitioner,

v.

ERIC H. HOLDER, Jr., Attorney General,

Respondent.

No. 05-71089

Agency No. A073-890-468

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted April 13, 2009^{**}

Before: GRABER, GOULD, and BEA, Circuit Judges.

Berry Kiel Maselle, a native and citizen of South Africa, petitions for review of the Board of Immigration Appeals' order affirming an immigration judge's order of removal. We have jurisdiction pursuant to 8 U.S.C. § 1252. We review

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

de novo questions of law, *Morales-Alegria v. Gonzales*, 449 F.3d 1051, 1053 (9th Cir. 2006), and we deny the petition for review.

Maselle's contention that a conviction under Cal. Penal Code § 422 does not categorically constitute a crime of violence is foreclosed by *Rosales-Rosales v. Ashcroft*, 347 F.3d 714, 717 (9th Cir. 2003).

Maselle's remaining contentions are unpersuasive.

PETITION FOR REVIEW DENIED.